

# SacLEGAL Newsletter

WINTER 2009/10

NEW YEAR EDITION

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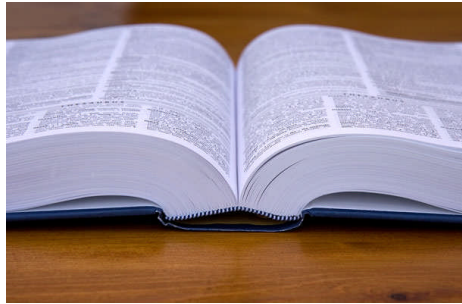
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## The U.S. Supreme Court's Record on Gay Rights — A Book Review *by Jeff Bedell*

There are some gay rights cases decided by the U.S. Supreme Court that many gay people are familiar with, even those who are fortunate enough to have never attended law school. If they do not recognize the names *Bowers v. Hardwick*, *Romer v. Evans*, and *Lawrence v. Texas*, many know that the U.S. Supreme Court has issued decisions dealing with whether a state can criminalize private same-sex sodomy and to what extent a state constitution can single out gay people for different treatment under the law. What is not known is that the U.S. Supreme Court, since it first addressed the issue of gay rights in 1958, has decided many cases that alternately advanced the cause of gay rights or are legal barriers to this day against the ad-

vancement of gay rights.

In *Courting Justice: Gay Men and Lesbians v. the Supreme Court*, authors Joyce Murdoch and Deb Price dissect how the Court has dealt with gay rights and how that institution and the Justices that serve it have deliberated on the issue. The Court's decisions on gay rights can be best described as fitful, with more cases rejecting gay rights than those considered major victories. When the U.S. Supreme Court decided in 1958 that gay "beefcake" magazines were not to be analyzed under a different obscenity standard than similar magazines geared towards



***Courting Justice: Gay Men and Lesbians v. the Supreme Court* by Joyce Murdoch and Deb Price**

straight readers, gay people could credibly believe they could look to the courts to protect their rights.

But, in a pattern to be repeated over the years at the Court, just nine years later the Court would conclude

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## Member Spotlight: Meet the 2010 Board of Directors

Each newsletter we feature a different SacLEGAL member. This month our Member Spotlight focuses on two new members who are joining our board of directors: Tina Poley and Robert Boucher.

SacLEGAL posed a variety of questions to Tina and Robert and the following are their responses.

Tina grew up in Phoenix, Arizona and attended Northern Arizona University in

Flagstaff. She majored in Hotel and Restaurant Management before moving to Sacramento to attend law school at McGeorge. Tina now practices criminal defense in downtown Sacramento.

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Don't forget to renew your SacLEGAL and Sacramento County Bar Memberships for 2010!

See page 3 for details.

# The U.S. Supreme Court's Record on Gay Rights – A Book Review

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that consistent with the Constitution that foreign homosexuals could be deported from the U.S. because federal law classified them as "afflicted with [a] psychopathic personality."

And through the whole book we are exposed to the personalities of the Justices, their (sometimes gay) law clerks, and the real people behind the case names who came to the Court alleging their rights were impinged upon because they are gay. We learn of Justice Lewis Powell's changing vote in *Bowers v. Hardwick* prompting Justice Stevens to tease him that the Court should issue an opinion saying it is "evenly divided 4 1/2 to 4 1/2." We also learn that as he deliberated on that case, Justice Powell would remark to his gay clerk that he had never met a homosexual and had difficulty understanding why gay men didn't date and marry women.

Murdoch and Price are not lawyers, and that actually works in the book's favor. The book reads like anything but a legal opinion or law review article, which is to say it always captures the human drama behind the cases. The authors though clearly know a thing or two about the law and how to convey the legal issues in a case and the resolution. It is superb and anyone with an interest in gay rights under the law will enjoy this fascinating book.

*"Justice Powell would remark to his gay clerk that he had never met a homosexual . . ."*

## Visibility by Patrick Holstine

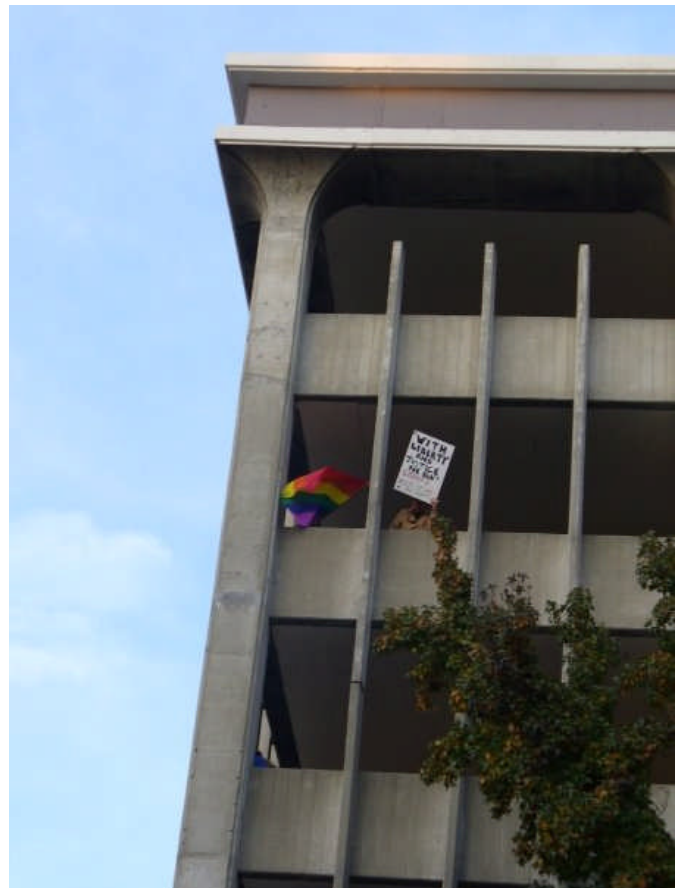
Visibility is defined as "the fact, state, or degree of being visible." As an attorney, we are visible as leaders in the community not only by the work that we do, but also in the groups and organizations we lend our time to and spend our money on in order to make our community and world a better place.

With visibility comes responsibility - which is defined as a "duty, obligation or burden" for which one is responsible. As attorneys, we carry many duties, obligations, and burdens - to our clients, to our profession, to society. But as LGBT attorneys, we carry another burden - one of being visible, not just as an attorney, but as an LGBT attorney.

Throughout last year's election cycle and beyond, we heard the message over and over that people who knew LGBT individuals and families were far more likely to vote against Proposition 8 than those who identified as not knowing LGBT citizens. That is why it is so important for each of us to live our lives visibly and openly and have those conversations with our families, friends, neighbors, and colleagues - to let them know who we are, and let them know why our equality is so important to all of us.

However, the only way to have those conversations and to change those hearts and minds is to be visible. If you are reading this newsletter, it is likely you are a member of SacLEGAL, and that is a good start toward such visibility. But each and every one of us can also step up and help make SacLEGAL more visible and more of a resource for both the

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# Visibility

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LGBT community and our allies.

For example, in June this year, SacLEGAL took part in the Sacramento Pride Parade. While we have more than 40 paid members, and more than twice that many people on our mailing list, only a handful of people showed up to march behind the SacLEGAL banner. To that handful of people - thank you so much for being there, and being visible. To everyone else, imagine how much more credible SacLEGAL would have appeared if we had 40 people marching in our parade entry instead of six.

SacLEGAL has dozens of members who have a vast wealth of knowledge and connections in our community. We can tap into that knowledge and those connections and form partnerships with other local groups and Bar Associations by co-sponsoring events to help people in need in our community, to put on MCLE events that promote education about the elimination of bias against the LGBT community and all communities, to really make a difference in society. And to really be visible.

## Sacramento County Bar Association Memberships

So that Sac LEGAL can maintain its affiliate voting status with the Sacramento County Bar Association, we encourage all members to join the Sacramento County Bar Association in addition to Sac LEGAL. The Sacramento County Bar Association provides opportunities

We are all limited on time, we all have multiple commitments, tough jobs, families, friends, just life in general that sometimes gets in the way. But if each one of us can commit to spending a little bit more time being visible as an LGBT attorney in the community, building partnerships with our friends and allies, and helping others - then our influence as individuals, as an organization, and as LGBT citizens will continue to grow.

I challenge each of you to remain active in our organization, to remain active in the community, and to remain visible so that we can win those hearts and minds that we need to win in order to win back our right to marry and achieve true equality in all areas. We must also strive to remain visible so we can be strong role models for younger LGBT citizens who can see that it is ok to be out, proud, and still be in a position of leadership and in a distinguished profession.

That is a duty, an obligation, a burden - one that we should be proud to carry, and let us commit to carry that burden and be as visible as possible along the way.

for professional development, including networking opportunities, service discounts, and continuing legal education.

Join or renew online today at <http://www.sacbar.org>.



## Renew Your Membership for 2010

It's a new year and you know what that means — time to renew your membership!

Renewing is easy. You can just go to [www.saclegal.org/join.html](http://www.saclegal.org/join.html) and click “Join/Pay Now” to enroll online and pay via Paypal.

You can also print the application and mail with a check. Membership is \$45 for attorneys, \$15 for non-attorney professionals, and free for students. You may also become a sustaining member for \$100 dollars and have your contact information listed on the SacLEGAL website for referrals.

E-mail membership@saclegal.org with any questions or to have your contact information listed.

# Member Spotlight: Meet the 2010 Board of Directors: Tina Poley and Robert Boucher

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## Why did you decided to go to law school and become a lawyer?

I had to take hospitality law for my major and really enjoyed the concepts. I took a secondary course from the same professor and decided to go to law school to study law. I wasn't sold on being a lawyer until after my second year of law school.

## What is your favorite song, movie and/or book and why?

My favorite movie is Lost in Translation, because I think it does such a good job of portraying the intimate and meaningful relationship you can develop with a stranger based on shared traveling experience.

## What is something people would be surprised to know about you?

I learned how to drive on Route 66.

## What is the best piece of advice you have ever received?

Take the job seriously, but never take yourself seriously.

## What were you doing ten years ago?

I was a junior in high school, trying to get away with as much slacking off as I could. I also was a sandwich artist at Subway.

## What do you believe is the biggest issue facing the LGBT community today?

The ability for everyone to create a family based on love and not chromosomes, including freedom to marry and adoption and parenting rights.

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Robert is from San Francisco and attended San Francisco State University, graduating with a BS in Computer Science. Desiring to explore his predilection for argument, he was prompted to a new career by the dot.com bust, leading him to law school. Robert attended Golden Gate University School of Law in San Francisco and interned at the US Department of Labor, Office of Administrative Law Judges writing opinions on employment-related injury, discrimination, and procedure issues for the judges. He worked for a plaintiff's employment firm in San Francisco, but wanted to work on defense, and so applied for jobs with small, reputable firms in the area. He found Cook Brown, and has had an excellent career supporting small business in employment matters.

## Why did you decide to go to law school and become a lawyer?

My decision to become a lawyer stems mostly from my love of analysis. The whole process of applying fact to law works in my brain, and since that was exactly the sort of analysis computer scientists do, the step toward law was logical to me. I enjoy working on management side, because I feel I can help guide clients to a reasonable solution based on the facts. Ultimately, I feel my work helps more people than I could as a plaintiff's attorney.

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*“Take the job seriously,  
but never take yourself  
seriously”*

# Member Spotlight: Meet the 2010 Board of Directors: Tina Poley and Robert Boucher

(Continued from page 4)

## What is your favorite song, movie and/or book and why?

My favorite movie is "The Hours" because it was magical and poignant. My favorite book was Moby Dick, for the same reasons, and because it was poetry. My favorite song is Manhattan as sung by Ella Fitzgerald, though I don't know why.

## What is something people would be surprised to know about you?

I am absolutely, 100%, out of the closet to everyone I meet. Oh, and I hate wearing suits – when will shorts become acceptable in court? OH, and my nickname is Bear.

## What is the best piece of advice you have ever received?

I don't know off the top of my head, but the best advice I would give a lawyer is this: Be emotionally detached from your case and don't be outcome-driven. You will avoid so much stress if you focus on facts and tasks at hand. Trust and follow the facts and the law.

## What were you doing ten years ago?

Nesting with my partner, contemplating acquiring a dog, and writing software in Java.

## What do you believe is the biggest issue facing the LGBT community today?

Absolute acceptance as full and respectable members of society. That is ultimately what the marriage debate is about: fighting not to be second class citizens.



*"That is ultimately what the marriage debate is about: fighting not to be second class citizens"*

## Winter Party Photos 2009

We had a great turnout to the winter party at board member Jeff Bedell's house. Thanks to everyone who came, and thanks to Jeff for making his home so welcoming!





SACRAMENTO LAWYERS  
FOR THE EQUALITY OF  
GAYS AND LESBIANS

SacLEGAL  
info@saclegal.org

2009 Officers:  
Ted Lindstrom—Co-Chair  
Patrick Holstine—Co-Chair  
Jane Harrington—Secretary  
Jeff Bedell—Treasurer

2009 Board of Directors  
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Jeff Bedell  
Melissa Borrelli  
Trish Eichar  
Jane Harrington  
Stacy Gillespie  
Patrick Holstine  
Chris Lee  
Ted Lindstrom  
Steve Muni

2010 Board of Directors  
Sarah Asplin  
Jeff Bedell  
Robert Boucher  
Kathleen Doty  
Trish Eichar  
Jane Harrington  
Patrick Holstine  
Chris Lee  
Steve Muni  
Tina Poley

Visit our  
webpage at  
[www.saclegal.org](http://www.saclegal.org)

## MISSION

SacLEGAL is a professional association of attorneys, legal professionals, and legislative advocates, affiliated with the Sacramento County Bar Association. Our mission is to promote equality for members of the lesbian, gay, bisexual and transgender (LGBT) community. We will accomplish our mission through strong leadership, legislative advocacy, education, and participation in civic and social activities within the legal community and community at large.

## Summer Splash 2009 by Patrick Holstine

On Saturday August 22 from 1:00-6:00 p.m., SacLEGAL hosted its annual summer social event: the SacLEGAL Summer Splash BBQ/Pool Party. More than 40 attendees enjoyed good food and warm sunshine, while some opted to cool off with a dip in the pool. It was great to see the mix of attorneys, law students, LGBT married couples, their children, and our allies from other local minority Bar Associations including ABAS and La Raza. The event took place at the home of yours truly - SacLEGAL Co-Chair Patrick Holstine.

The past few years, we have held the SacLEGAL summer party the last weekend of July - the same weekend that recently-graduated law students were in final preparations for the Bar Exam. So this year, the SacLEGAL board decided to move the party to mid-August to allow more law students to attend. This made sense, as student members of SacLEGAL often comprised a large percentage of attendees at SacLEGAL social events.

This also created a further partnership opportunity since the law students from Pacific McGeorge and UC Davis were going to hold a welcome back to school BBQ/Pool Party in mid-August, also taking place at the home of SacLEGAL co-chair Patrick Holstine. The law students had been working hard to raise funds to fund their trip to the National LGBT Bar Association Lavender Law Conference and Job Fair, this year being



held in Brooklyn, New York. So the cost of throwing a party could easily have put a dent in their coffers at a time when they needed every dime to defray the cost of attending the job fair and conference.

However, the SacLEGAL board decided to ask the law student groups to combine their party with ours, and SacLEGAL decided to pick up the combined tab for food and beverages. While it might not seem like a lot, it saved the law students nearly \$250, which represented the cost of round-trip airfare for one student to Lavender Law to attend the job fair and conference. In today's economy and job market, that is significant.

Since Lavender Law is held annually in early September - right when school is going back - it is tough for the students to raise funds to fully fund their trip. I know this from personal experience as a law student at Pacific McGeorge, and I also know how rewarding the job

fair and conference can be for the students. That is why I propose SacLEGAL explore the idea of combining forces with the law students for a summer party in August again next year, focusing even more on raising funds for Lavender Law. Instead of making this a one-shot deal, let's look at making it an annual tradition.

At the very least, our group can pick up the tab for the combined party - which helps offset the cost of Lavender Law a little bit. However, if we as attorneys can utilize our vast resources and connections, and combine those with the students' tremendous passion and energy, we can help each other out a lot.

Let's make that our goal for next summer, and hopefully many summers beyond that as well as we continue to support the future members of our profession and future LGBT leaders.